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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/612,865

07/02/2003

Thomas W. Holmquist

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4389

7590

07/13/2004

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P.O. Box 272400

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EXAMINER

ZEADE, BERTRAND

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/612,865	HOLMQUIST ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Bertrand Zeade	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 45 is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Double Patenting***

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. Claims 1-44 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1-44 of prior U.S. Patent No. 6,752,525. This is a double patenting rejection.

3. Holmquist et al 6,752,525 discloses a light emitting device providing a collimated light beam having:

Claims of Instant Application	Claims of reference: Holmquist et al. (U.S. 6,752,525)	Discussion on differences and additional reference(s).
Claim 1	Claim 1	Claimed limitations are disclosed
Claim 2	Claim 2	Claimed limitations are disclosed

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Claim 3	Claim 3	Claimed limitations are disclosed
Claim 4	Claim 4	Claimed limitations are disclosed
Claim 5	Claim 5	Claimed limitations are disclosed
Claim 6	Claim 6	Claimed limitations are disclosed
Claim 7	Claim 7	Claimed limitations are disclosed
Claim 8	Claim 8	Claimed limitations are disclosed
Claim 9	Claim 9	Claimed limitations are disclosed
Claim 10	Claim 10	Claimed limitations are disclosed
Claim 11	Claim 11	Claimed limitations are disclosed
Claim 12	Claim 12	Claimed limitations are disclosed
Claim 13	Claim 13	Claimed limitations are disclosed

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Claim 14	Claim 14	Claimed limitations are disclosed
Claim 15	Claim 15	Claimed limitations are disclosed
Claim 16	Claim 16	Claimed limitations are disclosed
Claim 17	Claim 17	Claimed limitations are disclosed
Claim 18	Claim 18	Claimed limitations are disclosed
Claim 19	Claim 19	Claimed limitations are disclosed
Claim 20	Claim 20	Claimed limitations are disclosed
Claim 21	Claim 21	Claimed limitations are disclosed
Claim 22	Claim 22	Claimed limitations are disclosed
Claim 23	Claim 23	Claimed limitations are disclosed
Claim 24	Claim 24	Claimed limitations are disclosed

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Claim 25	Claim 25	Claimed limitations are disclosed
Claim 26	Claim 26	Claimed limitations are disclosed
Claim 27	Claim 27	Claimed limitations are disclosed
Claim 28	Claim 28	Claimed limitations are disclosed
Claim 29	Claim 29	Claimed limitations are disclosed
Claim 30	Claim 30	Claimed limitations are disclosed
Claim 31	Claim 31	Claimed limitations are disclosed
Claim 32	Claim 32	Claimed limitations are disclosed
Claim 33	Claim 33	Claimed limitations are disclosed
Claim 34	Claim 34	Claimed limitations are disclosed
Claim 35	Claim 35	Claimed limitations are disclosed

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Claim 36	Claim 36	Claimed limitations are disclosed
Claim 37	Claim 37	Claimed limitations are disclosed
Claim 38	Claim 38	Claimed limitations are disclosed
Claim 39	Claim 39	Claimed limitations are disclosed
Claim 40	Claim 40	Claimed limitations are disclosed
Claim 41	Claim 41	Claimed limitations are disclosed
Claim 42	Claim 42	Claimed limitations are disclosed
Claim 43	Claim 43	Claimed limitations are disclosed
Claim 44	Claim 44	Claimed limitations are disclosed

***Allowable Subject Matter***

4. Claim 45 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record neither teach nor show means for detecting the substantially collimated light beam, and a light path associated with the

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substantially collimated light beam extending between the light emitter and the light receiver, at least a portion of the light path being adjacent the at least one media holding bay.

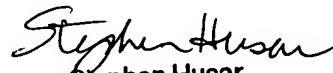
***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bertrand Zeade whose telephone number is 571-272-2387. The examiner can normally be reached on 9:30 AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bertrand Zeade  
Examiner  
Art Unit 2875

  
Stephen Husar  
Primary Examiner